

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT  
for the

Northern District of Indiana

CITY OF SOUTH BEND, BY ITS CORPORATION COUNSEL ALADEAN  
DEROSE

|                                  |   |                  |
|----------------------------------|---|------------------|
| Plaintiff                        | ) | Civil Action No. |
| v.                               | ) |                  |
| UNITED STATES OF AMERICA, ET AL. | ) |                  |
| Defendant                        | ) |                  |

3:12-cv-475

**Summons in a Civil Action**

To: (Defendant's name and address)

South Bend Common Council  
c/o President Derek Dieter  
227 West Jefferson Blvd., Suite 400S  
South Bend, IN 46601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Edward A. Sullivan, II (17577-71) / J.P. Hanlon (21230-71), FAEGRE BAKER DANIELS LLP, 202 South Michigan Street, Suite 1400, South Bend, IN 46601

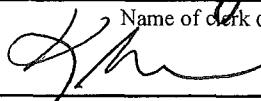
Aladean DeRose (4495-71), City Attorney, 227 West Jefferson Blvd., Suite 1400, South Bend, IN 46601

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 8/30/2012



Name of clerk of court



Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

## Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on Derek Dieter, by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_, or \_\_\_\_\_;

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_ who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is \_\_\_\_\_; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_; or

(5) other (specify) Mr. Dieter was not available at the time of delivery. K. Fowler accepted on his behalf.

Date: 08-30-2012

Christopher D. Remley  
Server's signature  
Christopher D. Remley  
Printed name and title

202 S. Michigan St., Suite 1400  
Server's address  
South Bend, IN 46601